

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 AID-05 CEA-01 CIAE-00 COME-00 EB-08  
EA-07 FRB-03 INR-07 IO-13 NEA-10 NSAE-00 USIA-06  
OPIC-03 SP-02 TRSE-00 CIEP-00 LAB-04 SIL-01 AGRE-00  
OMB-01 OES-06 L-03 /093 W  
-----260713 049585 /11

R 251906Z FEB 77  
FM USMISSION EC BRUSSELS  
TO SECSTATE WASHDC 3120  
INFO ALL EC CAPITALS 3186  
AMCONSUL STRASBOURG  
USMISSION OECD PARIS

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E.O. 11652: N/A  
TAGS: EC  
SUBJECT: EC ATTITUDE TOWARD TRANSBORDER DATA FLOWS ISSUE

REF: STATE 38445 (NOTAL)

1. EC COMMISSION OFFICIAL ANDRE RIOTTE OF DIRECTORATE GENERAL FOR INDUSTRIAL AND TECHNOLOGICAL AFFAIRS (DG III) INFORMED THE MISSION THAT VERY LITTLE HAS BEEN ACCOMPLISHED TO DATE IN FORMULATING EC VIEWS REGARDING TRANSBORDER DATA FLOWS. IN RESPONSE TO RECOMMENDATIONS FROM THE EUROPEAN PARLIAMENT IN 1975 AND 1976 THAT THE EC COMMISSION CONSIDER PREPARATION OF A DIRECTIVE ON THE SUBJECT, THE COMMISSION FORMED A WORKING GROUP ON "DATA FLOWS AND PROTECTION OF LIBERTY," BRINGING TOGETHER EXPERTS FROM VARIOUS COMMISSION SERVICES. THE GROUP MET IN JUNE 1976 AND AGAIN IN JANUARY 1977. IT IS PREPARING A WORKING DOCUMENT COMPARING ACTUAL OR PRESPECTIVE LEGISLATION (IF ANY) IN EACH OF THE EC MEMBER STATES ON THE SUBJECT: RIOTTE PROMISED TO TRY TO PROVIDE THE MISSION AN ADVANCE COPY OF THIS STUDY WHEN IT IS COMPLETED IN MARCH OR APRIL.

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PLETED IN MARCH OR APRIL.

2. ACCORDING TO RIOTTE THE WORKING GROUP ALSO CONSIDERED HOW IT COULD PROCEED WITH THE PARLIAMENT'S RECOMMENDATION WITH REGARD TO A DIRECTIVE ON TRANSBORDER DATA FLOWS BUT HAS NOT YET GOTTEN INVOLVED WITH SUBSTANCE OR FORMED EVEN TENTATIVE VIEWS. IT HAS

COME UP WITH THREE POSSIBLE COURSES OF ACTION WHICH ARE NOW UNDER STUDY BY THE COMMISSION'S LEGAL SERVICES. THESE INCLUDE: (A) ISSUANCE OF AN EC COUNCIL OR COMMISSION DIRECTIVE IN REGARD TO TRANSBORDER DATA FLOWS IF THE LEGAL SERVICES DETERMINE THAT THE COMMUNITY HAS ADEQUATE COMPETENCE; (B) ADHERENCE BY THE COMMUNITY AS SUCH TO AN EVENTUAL COUNCIL OF EUROPE (COE) CONVENTION; OR (C) A FINDING THAT EACH MEMBER STATE IS FREE TO ADHERE INDIVIDUALLY TO A COE CONVENTION IF IT DESIRES. RIOTTE SAID THAT THE LEGAL SERVICES WILL PROBABLY NOT COMPLETE THEIR STUDY OF THESE ALTERNATIVES UNTIL THE END OF MARCH OR EARLY APRIL AT WHICH TIME THE WORKING GROUP WILL HOLD ITS THIRD MEETING TO CONSIDER FURTHER STEPS, INCLUDING POSSIBLY EXAMINATION OF A DESIRABLE EC POLICY.

3. RIOTTE NOTED THAT A SUBCOMMITTEE OF THE EUROPEAN PARLIAMENT'S LEGAL COMMISSION UNDER MR. CARMODY IS ALSO SEIZED OF THE PROBLEM OF TRANSBORDER DDTA FLOWS AND IS PREPARING A REPORT. HE WAS NOT AWARE OF THE STATUS OF THIS WORK.

4. COMMENT: THE MISSION WILL REPORT FURTHER ON THIS SUBJECT WHEN DEVELOPMENTS WARRANT, BUT OUR REPORTING WOULD BENEFIT FROM RECEIVING MORE BACKGROUND INFORMATION ON WHAT IS OBVIOUSLY A COMPLICATED MATTER. HINTON

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** INFORMATION EXCHANGE, TECHNICAL ASSISTANCE, INFORMATION SYSTEMS, BORDER CONTROLS  
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**Copy:** SINGLE  
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**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
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**Subject:** EC ATTITUDE TOWARD TRANSBORDER DATA FLOWS ISSUE  
**TAGS:** TGEN, EEC  
**To:** STATE  
**Type:** TE  
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**Review Markings:**  
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